



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0759

Introduced 2/3/2015, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/19-2.1	from Ch. 46, par. 19-2.1
10 ILCS 5/19-3	from Ch. 46, par. 19-3
10 ILCS 5/19-4	from Ch. 46, par. 19-4
10 ILCS 5/19-4.5 new	
10 ILCS 5/19-5	from Ch. 46, par. 19-5
10 ILCS 5/19-8	from Ch. 46, par. 19-8
10 ILCS 5/19-12.1	from Ch. 46, par. 19-12.1
10 ILCS 5/20-3	from Ch. 46, par. 20-3
10 ILCS 5/20-4.5 new	
10 ILCS 5/20-5	from Ch. 46, par. 20-5
10 ILCS 5/20-8	from Ch. 46, par. 20-8

Amends the Election Code. Eliminates the requirement that a voter declare party affiliation when voting at a primary election. Provides that the voter shall receive the primary ballot of each of the established political parties nominating candidates for office at the primary election but may cast a ballot of only one political party, except in certain cases involving statewide political parties and political parties established only within a political subdivision. Effective immediately.

LRB099 07989 MGM 28129 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-43, 7-44, 19-2.1, 19-3, 19-4, 19-5, 19-8, 19-12.1,
6 20-3, 20-5, and 20-8 and by adding Sections 19-4.5 and 20-4.5
7 as follows:

8 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

9 Sec. 7-43. Every person having resided in this State 6
10 months and in the precinct 30 days next preceding any primary
11 therein who shall be a citizen of the United States of the age
12 of 18 or more years shall be entitled to vote at such primary.

13 The following regulations shall be applicable to
14 primaries:

15 ~~No person shall be entitled to vote at a primary.~~

16 ~~(a) Unless he declares his party affiliations as~~
17 ~~required by this Article.~~

18 ~~(b) (Blank).~~

19 ~~(c) (Blank).~~

20 ~~(c.5) If that person has participated in the town~~
21 ~~political party caucus, under Section 45-50 of the~~
22 ~~Township Code, of another political party by signing an~~
23 ~~affidavit of voters attending the caucus within 45 days~~

1 ~~before the first day of the calendar month in which the~~
2 ~~primary is held.~~

3 ~~(d) (Blank).~~

4 In cities, villages and incorporated towns having a
5 board of election commissioners only voters registered as
6 provided by Article 6 of this Act shall be entitled to vote
7 at such primary.

8 No person shall be entitled to vote at a primary unless
9 he is registered under the provisions of Articles 4, 5 or 6
10 of this Act, when his registration is required by any of
11 said Articles to entitle him to vote at the election with
12 reference to which the primary is held.

13 A person (i) who filed a statement of candidacy for a
14 partisan office as a qualified primary voter of an established
15 political party or (ii) who voted the ballot of an established
16 political party at a general primary election may not file a
17 statement of candidacy as a candidate of a different
18 established political party or as an independent candidate for
19 a partisan office to be filled at the general election
20 immediately following the general primary for which the person
21 filed the statement or voted the ballot. A person may file a
22 statement of candidacy for a partisan office as a qualified
23 primary voter of an established political party regardless of
24 any prior filing of candidacy for a partisan office or voting
25 the ballot of an established political party at any prior
26 election.

1 (Source: P.A. 97-681, eff. 3-30-12; 98-463, eff. 8-16-13.)

2 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

3 Sec. 7-44. Voter choice of primary ballot.

4 (a) Any person desiring to vote at a primary shall state
5 his or her name and~~7~~ residence ~~and party affiliation~~ to the
6 primary judges, one of whom shall thereupon announce the same
7 in a distinct tone of voice, sufficiently loud to be heard by
8 all persons in the polling place. When article 4, 5 or 6 is
9 applicable the Certificate of Registered Voter therein
10 prescribed shall be made and signed and the official poll
11 record shall be made. If the person desiring to vote is not
12 challenged, one of the primary judges shall give to him or her
13 ~~one, and only one,~~ primary ballot of each of the established
14 political parties nominating candidates for office at the
15 primary election, but the voter may cast a ballot of only one
16 political party, except as otherwise provided in subsection (b)
17 ~~party with which he declares himself affiliated,~~ on the back of
18 which the ~~such~~ primary judge shall endorse his or her initials
19 in such manner that they may be seen when the primary ballot is
20 properly folded. If the person desiring to vote is challenged
21 he or she shall not receive a primary ballot from the primary
22 judges until he or she shall have established his or her right
23 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
24 ~~refuses to state his party affiliation shall be allowed to vote~~
25 ~~at a primary.~~

1 (b) A person who casts a ballot of ~~declares his party~~
2 ~~affiliation with~~ a statewide established political party ~~and~~
3 ~~requests a primary ballot of such party may nonetheless also~~
4 ~~declare his affiliation with a political party established only~~
5 ~~within a political subdivision, and~~ may also vote in the
6 primary of a ~~such~~ local political party established only within
7 a political subdivision on the same election day, provided that
8 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
9 respect to offices of the same political subdivision. However,
10 no person casting a ballot of ~~declaring his affiliation with~~ a
11 statewide established political party may vote in the primary
12 of any other statewide political party on the same election
13 day. Each party's primary ballot shall include a space for the
14 voter to mark, indicating that political party as the party for
15 which the voter cast his or her votes. The voter may mark the
16 space on the ballot of only one political party indicating that
17 party, except as otherwise provided in this Section. If the
18 voter desires to cast his or her ballot of a statewide
19 political party and a political party established only within a
20 political subdivision, the voter may indicate that choice by
21 marking the space provided on the ballot of the statewide
22 political party and by also marking the space provided on the
23 ballot of the political party established only within a
24 political subdivision. If the voter does not mark the space on
25 the primary ballot indicating the political party in which the
26 voter cast his or her ballot, or marks more than one such

1 space, the judges of election shall count only the votes of the
2 political party in which the voter cast a vote for the office
3 nearest the top of the ballot.

4 (Source: P.A. 81-1535.)

5 (10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

6 (Section scheduled to be repealed on June 1, 2015)

7 Sec. 19-2.1. In-person absentee voting in the office of the
8 municipal, township, or road district clerks. At the
9 consolidated primary, general primary, consolidated, and
10 general elections, electors entitled to vote by absentee ballot
11 under the provisions of Section 19-1 may vote in person at the
12 office of the municipal clerk, if the elector is a resident of
13 a municipality not having a board of election commissioners, or
14 at the office of the township clerk or, in counties not under
15 township organization, at the office of the road district clerk
16 if the elector is not a resident of a municipality; provided,
17 in each case that the municipal, township or road district
18 clerk, as the case may be, is authorized to conduct in-person
19 absentee voting pursuant to this Section. Absentee voting in
20 such municipal and township clerk's offices under this Section
21 shall be conducted from the 22nd day through the day before the
22 election.

23 Municipal and township clerks (or road district clerks) who
24 have regularly scheduled working hours at regularly designated
25 offices other than a place of residence and whose offices are

1 open for business during the same hours as the office of the
2 election authority shall conduct in-person absentee voting for
3 said elections. Municipal and township clerks (or road district
4 clerks) who have no regularly scheduled working hours but who
5 have regularly designated offices other than a place of
6 residence shall conduct in-person absentee voting for said
7 elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00
8 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on
9 Saturdays, but not during such hours as the office of the
10 election authority is closed, unless the clerk files a written
11 waiver with the election authority not later than July 1 of
12 each year stating that he or she is unable to conduct such
13 voting and the reasons therefor. Such clerks who conduct
14 in-person absentee voting may extend their hours for that
15 purpose to include any hours in which the election authority's
16 office is open. Municipal and township clerks (or road district
17 clerks) who have no regularly scheduled office hours and no
18 regularly designated offices other than a place of residence
19 may not conduct in-person absentee voting for said elections.
20 The election authority may devise alternative methods for
21 in-person absentee voting before said elections for those
22 precincts located within the territorial area of a municipality
23 or township (or road district) wherein the clerk of such
24 municipality or township (or road district) has waived or is
25 not entitled to conduct such voting. In addition, electors may
26 vote by absentee ballot under the provisions of Section 19-1 at

1 the office of the election authority having jurisdiction over
2 their residence. Unless specifically authorized by the
3 election authority, municipal, township, and road district
4 clerks shall not conduct in-person absentee voting. No less
5 than 45 days before the date of an election, the election
6 authority shall notify the municipal, township, and road
7 district clerks within its jurisdiction if they are to conduct
8 in-person absentee voting. Election authorities, however, may
9 conduct in-person absentee voting in one or more designated
10 appropriate public buildings from the fourth day before the
11 election through the day before the election.

12 In conducting in-person absentee voting under this
13 Section, the respective clerks shall be required to verify the
14 signature of the absentee voter by comparison with the
15 signature on the official registration record card. The clerk
16 also shall reasonably ascertain the identity of such applicant,
17 shall verify that each such applicant is a registered voter,
18 and shall verify the precinct in which he or she is registered
19 and the proper ballots of the political subdivisions in which
20 the applicant resides and is entitled to vote, prior to
21 providing any absentee ballot to such applicant. The clerk
22 shall verify the applicant's registration and from the most
23 recent poll list provided by the county clerk, and if the
24 applicant is not listed on that poll list then by telephoning
25 the office of the county clerk.

26 Within one day after a voter casts an in-person absentee

1 ballot, the appropriate election authority shall transmit by
2 electronic means pursuant to a process established by the State
3 Board of Elections the voter's name, street address, e-mail
4 address, and precinct, ward, township, and district numbers, as
5 the case may be, to the State Board of Elections, which shall
6 maintain those names and that information in an electronic
7 format on its website, arranged by county and accessible to
8 State and local political committees.

9 Absentee voting procedures in the office of the municipal,
10 township and road district clerks shall be subject to all of
11 the applicable provisions of this Article 19, including,
12 without limitation, those procedures relating to primary
13 ballots. Pollwatchers may be appointed to observe in-person
14 absentee voting procedures and view all reasonably requested
15 records relating to the conduct of the election, provided the
16 secrecy of the ballot is not impinged, at the office of the
17 municipal, township or road district clerks' offices where such
18 absentee voting is conducted. Such pollwatchers shall qualify
19 and be appointed in the same manner as provided in Sections
20 7-34 and 17-23, except each candidate, political party or
21 organization of citizens may appoint only one pollwatcher for
22 each location where in-person absentee voting is conducted.
23 Pollwatchers must be registered to vote in Illinois and possess
24 valid pollwatcher credentials. All requirements in this
25 Article applicable to election authorities shall apply to the
26 respective local clerks, except where inconsistent with this

1 Section.

2 The sealed absentee ballots in their carrier envelope shall
3 be delivered by the respective clerks, or by the election
4 authority on behalf of a clerk if the clerk and the election
5 authority agree, to the election authority's central ballot
6 counting location before the close of the polls on the day of
7 the general primary, consolidated primary, consolidated, or
8 general election.

9 Not more than 23 days before the general and consolidated
10 elections, the county clerk shall make available to those
11 municipal, township and road district clerks conducting
12 in-person absentee voting within such county, a sufficient
13 number of applications, absentee ballots, envelopes, and
14 printed voting instruction slips for use by absentee voters in
15 the offices of such clerks. The respective clerks shall receipt
16 for all ballots received, shall return all unused or spoiled
17 ballots to the county clerk on the day of the election and
18 shall strictly account for all ballots received.

19 The ballots delivered to the respective clerks shall
20 include absentee ballots for each precinct in the municipality,
21 township or road district, or shall include such separate
22 ballots for each political subdivision conducting an election
23 of officers or a referendum on that election day as will permit
24 any resident of the municipality, township or road district to
25 vote absentee in the office of the proper clerk.

26 The clerks of all municipalities, townships and road

1 districts may distribute applications for absentee ballot for
2 the use of voters who wish to mail such applications to the
3 appropriate election authority. Any person may produce,
4 reproduce, distribute, or return to an election authority the
5 application for absentee ballot. Upon receipt, the appropriate
6 election authority shall accept and promptly process any
7 application for absentee ballot.

8 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.
9 Repealed by P.A. 98-1171, eff. 6-1-15.)

10 (10 ILCS 5/19-3) (from Ch. 46, par. 19-3)

11 (Text of Section before amendment by P.A. 98-1171)

12 Sec. 19-3. The application for absentee ballot shall be
13 substantially in the following form:

14 APPLICATION FOR ABSENTEE BALLOT

15 To be voted at the election in the County of and
16 State of Illinois, in the precinct of the (1) *township of
17 (2) *City of or (3) *.... ward in the City of

18 I state that I am a resident of the precinct of the
19 (1) *township of (2) *City of or (3) *.... ward in
20 the city of residing at in such city or town in the
21 county of and State of Illinois; that I have lived at such
22 address for month(s) last past; that I am lawfully
23 entitled to vote in such precinct at the election to be
24 held therein on; and that I wish to vote by absentee
25 ballot.

1 I hereby make application for an official ballot or ballots
 2 to be voted by me at such election, and I agree that I shall
 3 return such ballot or ballots to the official issuing the same
 4 prior to the closing of the polls on the date of the election
 5 or, if returned by mail, postmarked no later than midnight
 6 preceding election day, for counting no later than during the
 7 period for counting provisional ballots, the last day of which
 8 is the 14th day following election day.

9 I understand that this application is made for an official
 10 absentee ballot or ballots to be voted by me at the election
 11 specified in this application and that I must submit a separate
 12 application for an official absentee ballot or ballots to be
 13 voted by me at any subsequent election.

14 Under penalties as provided by law pursuant to Section
 15 29-10 of The Election Code, the undersigned certifies that the
 16 statements set forth in this application are true and correct.

17

18 *fill in either (1), (2) or (3).

19 Post office address to which ballot is mailed:

20

21 ~~However, if application is made for a primary election~~
 22 ~~ballot, such application shall require the applicant to~~
 23 ~~designate the name of the political party with which the~~
 24 ~~applicant is affiliated.~~

25 If application is made electronically, the applicant shall
 26 mark the box associated with the above described statement

1 included as part of the online application certifying that the
2 statements set forth in this application are true and correct,
3 and a signature is not required.

4 Any person may produce, reproduce, distribute, or return to
5 an election authority the application for absentee ballot. Upon
6 receipt, the appropriate election authority shall accept and
7 promptly process any application for absentee ballot submitted
8 in a form substantially similar to that required by this
9 Section, including any substantially similar production or
10 reproduction generated by the applicant.

11 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13.)

12 (Text of Section after amendment by P.A. 98-1171)

13 Sec. 19-3. The application for vote by mail ballot shall be
14 substantially in the following form:

15 APPLICATION FOR VOTE BY MAIL BALLOT

16 To be voted at the election in the County of and
17 State of Illinois, in the precinct of the (1) *township of
18 (2) *City of or (3) *.... ward in the City of

19 I state that I am a resident of the precinct of the
20 (1) *township of (2) *City of or (3) *.... ward in
21 the city of residing at in such city or town in the
22 county of and State of Illinois; that I have lived at such
23 address for month(s) last past; that I am lawfully
24 entitled to vote in such precinct at the election to be
25 held therein on; and that I wish to vote by vote by mail

1 ballot.

2 I hereby make application for an official ballot or ballots
3 to be voted by me at such election, and I agree that I shall
4 return such ballot or ballots to the official issuing the same
5 prior to the closing of the polls on the date of the election
6 or, if returned by mail, postmarked no later than midnight
7 preceding election day, for counting no later than during the
8 period for counting provisional ballots, the last day of which
9 is the 14th day following election day.

10 I understand that this application is made for an official
11 vote by mail ballot or ballots to be voted by me at the
12 election specified in this application and that I must submit a
13 separate application for an official vote by mail ballot or
14 ballots to be voted by me at any subsequent election.

15 Under penalties as provided by law pursuant to Section
16 29-10 of The Election Code, the undersigned certifies that the
17 statements set forth in this application are true and correct.

18

19 *fill in either (1), (2) or (3).

20 Post office address to which ballot is mailed:

21

22 ~~However, if application is made for a primary election~~
23 ~~ballot, such application shall require the applicant to~~
24 ~~designate the name of the political party with which the~~
25 ~~applicant is affiliated.~~

26 If application is made electronically, the applicant shall

1 mark the box associated with the above described statement
2 included as part of the online application certifying that the
3 statements set forth in this application are true and correct,
4 and a signature is not required.

5 Any person may produce, reproduce, distribute, or return to
6 an election authority the application for vote by mail ballot.
7 Upon receipt, the appropriate election authority shall accept
8 and promptly process any application for vote by mail ballot
9 submitted in a form substantially similar to that required by
10 this Section, including any substantially similar production
11 or reproduction generated by the applicant.

12 (Source: P.A. 97-766, eff. 7-6-12; 98-115, eff. 7-29-13;
13 98-1171, eff. 6-1-15.)

14 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

15 (Text of Section before amendment by P.A. 98-1171)

16 Sec. 19-4. Mailing or delivery of ballots; time.
17 Immediately upon the receipt of such application either by mail
18 or electronic means, not more than 40 days nor less than 5 days
19 prior to such election, or by personal delivery not more than
20 40 days nor less than one day prior to such election, at the
21 office of such election authority, it shall be the duty of such
22 election authority to examine the records to ascertain whether
23 or not such applicant is lawfully entitled to vote as
24 requested, including a verification of the applicant's
25 signature by comparison with the signature on the official

1 registration record card, and if found so to be entitled to
2 vote, to post within one business day thereafter the name,
3 street address, ward and precinct number or township and
4 district number, as the case may be, of such applicant given on
5 a list, the pages of which are to be numbered consecutively to
6 be kept by such election authority for such purpose in a
7 conspicuous, open and public place accessible to the public at
8 the entrance of the office of such election authority, and in
9 such a manner that such list may be viewed without necessity of
10 requesting permission therefor. Within one day after posting
11 the name and other information of an applicant for an absentee
12 ballot, the election authority shall transmit by electronic
13 means pursuant to a process established by the State Board of
14 Elections that name and other posted information to the State
15 Board of Elections, which shall maintain those names and other
16 information in an electronic format on its website, arranged by
17 county and accessible to State and local political committees.
18 Within 2 business days after posting a name and other
19 information on the list within its office, the election
20 authority shall mail, postage prepaid, or deliver in person in
21 such office an official ballot or ballots if more than one are
22 to be voted at said election or if Section 19-4.5 applies. Mail
23 delivery of Temporarily Absent Student ballot applications
24 pursuant to Section 19-12.3 shall be by nonforwardable mail.
25 However, for the consolidated election, absentee ballots for
26 certain precincts may be delivered to applicants not less than

1 25 days before the election if so much time is required to have
2 prepared and printed the ballots containing the names of
3 persons nominated for offices at the consolidated primary. The
4 election authority shall enclose with each absentee ballot or
5 application written instructions on how voting assistance
6 shall be provided pursuant to Section 17-14 and a document,
7 written and approved by the State Board of Elections,
8 enumerating the circumstances under which a person is
9 authorized to vote by absentee ballot pursuant to this Article;
10 such document shall also include a statement informing the
11 applicant that if he or she falsifies or is solicited by
12 another to falsify his or her eligibility to cast an absentee
13 ballot, such applicant or other is subject to penalties
14 pursuant to Section 29-10 and Section 29-20 of the Election
15 Code. Each election authority shall maintain a list of the
16 name, street address, ward and precinct, or township and
17 district number, as the case may be, of all applicants who have
18 returned absentee ballots to such authority, and the name of
19 such absent voter shall be added to such list within one
20 business day from receipt of such ballot. If the absentee
21 ballot envelope indicates that the voter was assisted in
22 casting the ballot, the name of the person so assisting shall
23 be included on the list. The list, the pages of which are to be
24 numbered consecutively, shall be kept by each election
25 authority in a conspicuous, open, and public place accessible
26 to the public at the entrance of the office of the election

1 authority and in a manner that the list may be viewed without
2 necessity of requesting permission for viewing.

3 Each election authority shall maintain a list for each
4 election of the voters to whom it has issued absentee ballots.
5 The list shall be maintained for each precinct within the
6 jurisdiction of the election authority. Prior to the opening of
7 the polls on election day, the election authority shall deliver
8 to the judges of election in each precinct the list of
9 registered voters in that precinct to whom absentee ballots
10 have been issued by mail.

11 Each election authority shall maintain a list for each
12 election of voters to whom it has issued temporarily absent
13 student ballots. The list shall be maintained for each election
14 jurisdiction within which such voters temporarily abide.
15 Immediately after the close of the period during which
16 application may be made by mail or electronic means for
17 absentee ballots, each election authority shall mail to each
18 other election authority within the State a certified list of
19 all such voters temporarily abiding within the jurisdiction of
20 the other election authority.

21 In the event that the return address of an application for
22 ballot by a physically incapacitated elector is that of a
23 facility licensed or certified under the Nursing Home Care Act,
24 the Specialized Mental Health Rehabilitation Act of 2013, or
25 the ID/DD Community Care Act, within the jurisdiction of the
26 election authority, and the applicant is a registered voter in

1 the precinct in which such facility is located, the ballots
2 shall be prepared and transmitted to a responsible judge of
3 election no later than 9 a.m. on the Saturday, Sunday or Monday
4 immediately preceding the election as designated by the
5 election authority under Section 19-12.2. Such judge shall
6 deliver in person on the designated day the ballot to the
7 applicant on the premises of the facility from which
8 application was made. The election authority shall by mail
9 notify the applicant in such facility that the ballot will be
10 delivered by a judge of election on the designated day.

11 All applications for absentee ballots shall be available at
12 the office of the election authority for public inspection upon
13 request from the time of receipt thereof by the election
14 authority until 30 days after the election, except during the
15 time such applications are kept in the office of the election
16 authority pursuant to Section 19-7, and except during the time
17 such applications are in the possession of the judges of
18 election.

19 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
20 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
21 98-756, eff. 7-16-14.)

22 (Text of Section after amendment by P.A. 98-1171)

23 Sec. 19-4. Mailing or delivery of ballots; time.
24 Immediately upon the receipt of such application either by mail
25 or electronic means, not more than 90 days nor less than 5 days

1 prior to such election, or by personal delivery not more than
2 90 days nor less than one day prior to such election, at the
3 office of such election authority, it shall be the duty of such
4 election authority to examine the records to ascertain whether
5 or not such applicant is lawfully entitled to vote as
6 requested, including a verification of the applicant's
7 signature by comparison with the signature on the official
8 registration record card, and if found so to be entitled to
9 vote, to post within one business day thereafter the name,
10 street address, ward and precinct number or township and
11 district number, as the case may be, of such applicant given on
12 a list, the pages of which are to be numbered consecutively to
13 be kept by such election authority for such purpose in a
14 conspicuous, open and public place accessible to the public at
15 the entrance of the office of such election authority, and in
16 such a manner that such list may be viewed without necessity of
17 requesting permission therefor. Within one day after posting
18 the name and other information of an applicant for a vote by
19 mail ballot, the election authority shall transmit by
20 electronic means pursuant to a process established by the State
21 Board of Elections that name and other posted information to
22 the State Board of Elections, which shall maintain those names
23 and other information in an electronic format on its website,
24 arranged by county and accessible to State and local political
25 committees. Within 2 business days after posting a name and
26 other information on the list within its office, but no sooner

1 than 40 days before an election, the election authority shall
2 mail, postage prepaid, or deliver in person in such office an
3 official ballot or ballots if more than one are to be voted at
4 said election or if Section 19-4.5 applies. Mail delivery of
5 Temporarily Absent Student ballot applications pursuant to
6 Section 19-12.3 shall be by nonforwardable mail. However, for
7 the consolidated election, vote by mail ballots for certain
8 precincts may be delivered to applicants not less than 25 days
9 before the election if so much time is required to have
10 prepared and printed the ballots containing the names of
11 persons nominated for offices at the consolidated primary. The
12 election authority shall enclose with each vote by mail ballot
13 or application written instructions on how voting assistance
14 shall be provided pursuant to Section 17-14 and a document,
15 written and approved by the State Board of Elections, informing
16 the vote by mail voter of the required postage for returning
17 the application and ballot, and enumerating the circumstances
18 under which a person is authorized to vote by vote by mail
19 ballot pursuant to this Article; such document shall also
20 include a statement informing the applicant that if he or she
21 falsifies or is solicited by another to falsify his or her
22 eligibility to cast a vote by mail ballot, such applicant or
23 other is subject to penalties pursuant to Section 29-10 and
24 Section 29-20 of the Election Code. Each election authority
25 shall maintain a list of the name, street address, ward and
26 precinct, or township and district number, as the case may be,

1 of all applicants who have returned vote by mail ballots to
2 such authority, and the name of such vote by mail voter shall
3 be added to such list within one business day from receipt of
4 such ballot. If the vote by mail ballot envelope indicates that
5 the voter was assisted in casting the ballot, the name of the
6 person so assisting shall be included on the list. The list,
7 the pages of which are to be numbered consecutively, shall be
8 kept by each election authority in a conspicuous, open, and
9 public place accessible to the public at the entrance of the
10 office of the election authority and in a manner that the list
11 may be viewed without necessity of requesting permission for
12 viewing.

13 Each election authority shall maintain a list for each
14 election of the voters to whom it has issued vote by mail
15 ballots. The list shall be maintained for each precinct within
16 the jurisdiction of the election authority. Prior to the
17 opening of the polls on election day, the election authority
18 shall deliver to the judges of election in each precinct the
19 list of registered voters in that precinct to whom vote by mail
20 ballots have been issued by mail.

21 Each election authority shall maintain a list for each
22 election of voters to whom it has issued temporarily absent
23 student ballots. The list shall be maintained for each election
24 jurisdiction within which such voters temporarily abide.
25 Immediately after the close of the period during which
26 application may be made by mail or electronic means for vote by

1 mail ballots, each election authority shall mail to each other
2 election authority within the State a certified list of all
3 such voters temporarily abiding within the jurisdiction of the
4 other election authority.

5 In the event that the return address of an application for
6 ballot by a physically incapacitated elector is that of a
7 facility licensed or certified under the Nursing Home Care Act,
8 the Specialized Mental Health Rehabilitation Act of 2013, or
9 the ID/DD Community Care Act, within the jurisdiction of the
10 election authority, and the applicant is a registered voter in
11 the precinct in which such facility is located, the ballots
12 shall be prepared and transmitted to a responsible judge of
13 election no later than 9 a.m. on the Saturday, Sunday or Monday
14 immediately preceding the election as designated by the
15 election authority under Section 19-12.2. Such judge shall
16 deliver in person on the designated day the ballot to the
17 applicant on the premises of the facility from which
18 application was made. The election authority shall by mail
19 notify the applicant in such facility that the ballot will be
20 delivered by a judge of election on the designated day.

21 All applications for vote by mail ballots shall be
22 available at the office of the election authority for public
23 inspection upon request from the time of receipt thereof by the
24 election authority until 30 days after the election, except
25 during the time such applications are kept in the office of the
26 election authority pursuant to Section 19-7, and except during

1 the time such applications are in the possession of the judges
2 of election.

3 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,
4 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;
5 98-756, eff. 7-16-14; 98-1171, eff. 6-1-15.)

6 (10 ILCS 5/19-4.5 new)

7 Sec. 19-4.5. Primary ballots.

8 (a) A person entitled to vote by absentee ballot at a
9 primary shall not be required to declare his or her political
10 party affiliation and shall be provided with the ballots of all
11 established political parties nominating candidates for
12 offices for which the absentee voter is entitled to vote at
13 that primary. That absentee voter may mark, cast, and have
14 counted the primary ballot of only one established political
15 party, except that he or she may mark, cost, and have counted
16 the primary ballots of a statewide established political party
17 and a local political party established only within a political
18 subdivision as provided in subsection (b) of Section 7-44.

19 (b) With respect to the marking, casting, and counting of
20 primary ballots, absentee voting shall be conducted in
21 accordance with Sections 7-43 and 7-44 of this Code as well as
22 the provisions of this Article.

23 (c) When voting absentee at a primary by means other than
24 in-person absentee voting, the voter shall be instructed to
25 discard or otherwise destroy any ballots of political parties

1 that the voter does not intend to cast. Such a discarded or
2 destroyed ballot or ballots is not the ballot or ballots the
3 voter agreed in the absentee ballot application to return to
4 the election authority.

5 If a voter subject to this subsection (c) returns to the
6 election authority the ballot of more than one established
7 political party, the judges of election shall determine which
8 votes to count as provided in subsection (b) of Section 7-44.

9 (10 ILCS 5/19-5) (from Ch. 46, par. 19-5)

10 (Text of Section before amendment by P.A. 98-1171)

11 Sec. 19-5. It shall be the duty of the election authority
12 to fold the ballot or ballots in the manner specified by the
13 statute for folding ballots prior to their deposit in the
14 ballot box, and to enclose such ballot or ballots in an
15 envelope unsealed to be furnished by him, which envelope shall
16 bear upon the face thereof the name, official title and post
17 office address of the election authority, and upon the other
18 side a printed certification in substantially the following
19 form:

20 I state that I am a resident of the precinct of the
21 (1) *township of (2) *City of or (3) *.... ward in
22 the city of residing at in such city or town in the
23 county of and State of Illinois, that I have lived at such
24 address for months last past; and that I am lawfully
25 entitled to vote in such precinct at the election to be

1 held on

2 *fill in either (1), (2) or (3).

3 I further state that I personally marked the enclosed
4 ballot in secret.

5 Under penalties of perjury as provided by law pursuant to
6 Section 29-10 of The Election Code, the undersigned certifies
7 that the statements set forth in this certification are true
8 and correct.

9

10 If the ballot is to go to an elector who is physically
11 incapacitated and needs assistance marking the ballot, the
12 envelope shall bear upon the back thereof a certification in
13 substantially the following form:

14 I state that I am a resident of the precinct of the
15 (1) *township of (2) *City of or (3) *.... ward in
16 the city of residing at in such city or town in the
17 county of and State of Illinois, that I have lived at such
18 address for months last past; that I am lawfully entitled
19 to vote in such precinct at the election to be held on
20; that I am physically incapable of personally marking the
21 ballot for such election.

22 *fill in either (1), (2) or (3).

23 I further state that I marked the enclosed ballot in secret
24 with the assistance of

25

26 (Individual rendering assistance)

1
2

(Residence Address)

3 Under penalties of perjury as provided by law pursuant to
4 Section 29-10 of The Election Code, the undersigned certifies
5 that the statements set forth in this certification are true
6 and correct.

7
8

9 In the case of a voter with a physical incapacity, marking
10 a ballot in secret includes marking a ballot with the
11 assistance of another individual, other than a candidate whose
12 name appears on the ballot (unless the voter is the spouse or a
13 parent, child, brother, or sister of the candidate), the
14 voter's employer, an agent of that employer, or an officer or
15 agent of the voter's union, when the voter's physical
16 incapacity necessitates such assistance.

17 In the case of a physically incapacitated voter, marking a
18 ballot in secret includes marking a ballot with the assistance
19 of another individual, other than a candidate whose name
20 appears on the ballot (unless the voter is the spouse or a
21 parent, child, brother, or sister of the candidate), the
22 voter's employer, an agent of that employer, or an officer or
23 agent of the voter's union, when the voter's physical
24 incapacity necessitates such assistance.

25 ~~Provided, that if the ballot enclosed is to be voted at a~~
26 ~~primary election, the certification shall designate the name of~~
~~the political party with which the voter is affiliated.~~

1 In addition to the above, the election authority shall
2 provide printed slips giving full instructions regarding the
3 manner of marking and returning the ballot in order that the
4 same may be counted, and shall furnish one of such printed
5 slips to each of such applicants at the same time the ballot is
6 delivered to him. Such instructions shall include the following
7 statement: "In signing the certification on the absentee ballot
8 envelope, you are attesting that you personally marked this
9 absentee ballot in secret. If you are physically unable to mark
10 the ballot, a friend or relative may assist you after
11 completing the enclosed affidavit. Federal and State laws
12 prohibit a candidate whose name appears on the ballot (unless
13 you are the spouse or a parent, child, brother, or sister of
14 the candidate), your employer, your employer's agent or an
15 officer or agent of your union from assisting physically
16 disabled voters."

17 In addition to the above, if a ballot to be provided to an
18 elector pursuant to this Section contains a public question
19 described in subsection (b) of Section 28-6 and the territory
20 concerning which the question is to be submitted is not
21 described on the ballot due to the space limitations of such
22 ballot, the election authority shall provide a printed copy of
23 a notice of the public question, which shall include a
24 description of the territory in the manner required by Section
25 16-7. The notice shall be furnished to the elector at the same
26 time the ballot is delivered to the elector.

1 (Source: P.A. 95-440, eff. 8-27-07; 96-553, eff. 8-17-09.)

2 (Text of Section after amendment by P.A. 98-1171)

3 Sec. 19-5. It shall be the duty of the election authority
4 to fold the ballot or ballots in the manner specified by the
5 statute for folding ballots prior to their deposit in the
6 ballot box, and to enclose such ballot or ballots in an
7 envelope unsealed to be furnished by him, which envelope shall
8 bear upon the face thereof the name, official title and post
9 office address of the election authority, and upon the other
10 side a printed certification in substantially the following
11 form:

12 I state that I am a resident of the precinct of the
13 (1) *township of (2) *City of or (3) *.... ward in
14 the city of residing at in such city or town in the
15 county of and State of Illinois, that I have lived at such
16 address for months last past; and that I am lawfully
17 entitled to vote in such precinct at the election to be
18 held on

19 *fill in either (1), (2) or (3).

20 I further state that I personally marked the enclosed
21 ballot in secret.

22 Under penalties of perjury as provided by law pursuant to
23 Section 29-10 of The Election Code, the undersigned certifies
24 that the statements set forth in this certification are true
25 and correct.

1
2

3 If the ballot is to go to an elector who is physically
4 incapacitated and needs assistance marking the ballot, the
5 envelope shall bear upon the back thereof a certification in
6 substantially the following form:

7 I state that I am a resident of the precinct of the
8 (1) *township of (2) *City of or (3) *.... ward in
9 the city of residing at in such city or town in the
10 county of and State of Illinois, that I have lived at such
11 address for months last past; that I am lawfully entitled
12 to vote in such precinct at the election to be held on
13; that I am physically incapable of personally marking the
14 ballot for such election.

15 *fill in either (1), (2) or (3).

16 I further state that I marked the enclosed ballot in secret
17 with the assistance of

18

19 (Individual rendering assistance)

20

21 (Residence Address)

22 Under penalties of perjury as provided by law pursuant to
23 Section 29-10 of The Election Code, the undersigned certifies
24 that the statements set forth in this certification are true
25 and correct.

26

In the case of a voter with a physical incapacity, marking

1 a ballot in secret includes marking a ballot with the
2 assistance of another individual, other than a candidate whose
3 name appears on the ballot (unless the voter is the spouse or a
4 parent, child, brother, or sister of the candidate), the
5 voter's employer, an agent of that employer, or an officer or
6 agent of the voter's union, when the voter's physical
7 incapacity necessitates such assistance.

8 In the case of a physically incapacitated voter, marking a
9 ballot in secret includes marking a ballot with the assistance
10 of another individual, other than a candidate whose name
11 appears on the ballot (unless the voter is the spouse or a
12 parent, child, brother, or sister of the candidate), the
13 voter's employer, an agent of that employer, or an officer or
14 agent of the voter's union, when the voter's physical
15 incapacity necessitates such assistance.

16 ~~Provided, that if the ballot enclosed is to be voted at a~~
17 ~~primary election, the certification shall designate the name of~~
18 ~~the political party with which the voter is affiliated.~~

19 In addition to the above, the election authority shall
20 provide printed slips giving full instructions regarding the
21 manner of marking and returning the ballot in order that the
22 same may be counted, and shall furnish one of such printed
23 slips to each of such applicants at the same time the ballot is
24 delivered to him. Such instructions shall include the following
25 statement: "In signing the certification on the vote by mail
26 ballot envelope, you are attesting that you personally marked

1 this vote by mail ballot in secret. If you are physically
2 unable to mark the ballot, a friend or relative may assist you
3 after completing the enclosed affidavit. Federal and State laws
4 prohibit a candidate whose name appears on the ballot (unless
5 you are the spouse or a parent, child, brother, or sister of
6 the candidate), your employer, your employer's agent or an
7 officer or agent of your union from assisting physically
8 disabled voters."

9 In addition to the above, if a ballot to be provided to an
10 elector pursuant to this Section contains a public question
11 described in subsection (b) of Section 28-6 and the territory
12 concerning which the question is to be submitted is not
13 described on the ballot due to the space limitations of such
14 ballot, the election authority shall provide a printed copy of
15 a notice of the public question, which shall include a
16 description of the territory in the manner required by Section
17 16-7. The notice shall be furnished to the elector at the same
18 time the ballot is delivered to the elector.

19 (Source: P.A. 98-1171, eff. 6-1-15.)

20 (10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

21 (Text of Section before amendment by P.A. 98-1171)

22 Sec. 19-8. Time and place of counting ballots.

23 (a) (Blank.)

24 (b) Each absent voter's ballot returned to an election
25 authority, by any means authorized by this Article, and

1 received by that election authority before the closing of the
2 polls on election day shall be endorsed by the receiving
3 election authority with the day and hour of receipt and shall
4 be counted in the central ballot counting location of the
5 election authority on the day of the election after 7:00 p.m.,
6 except as provided in subsections (g) and (g-5).

7 (c) Each absent voter's ballot that is mailed to an
8 election authority and postmarked by the midnight preceding the
9 opening of the polls on election day, but that is received by
10 the election authority after the polls close on election day
11 and before the close of the period for counting provisional
12 ballots cast at that election, shall be endorsed by the
13 receiving authority with the day and hour of receipt and shall
14 be counted at the central ballot counting location of the
15 election authority during the period for counting provisional
16 ballots.

17 Each absent voter's ballot that is mailed to an election
18 authority absent a postmark, but that is received by the
19 election authority after the polls close on election day and
20 before the close of the period for counting provisional ballots
21 cast at that election, shall be endorsed by the receiving
22 authority with the day and hour of receipt, opened to inspect
23 the date inserted on the certification, and, if the
24 certification date is a date preceding the election day and the
25 ballot is otherwise found to be valid under the requirements of
26 this Section, counted at the central ballot counting location

1 of the election authority during the period for counting
2 provisional ballots. Absent a date on the certification, the
3 ballot shall not be counted.

4 (d) Special write-in absentee voter's blank ballots
5 returned to an election authority, by any means authorized by
6 this Article, and received by the election authority at any
7 time before the closing of the polls on election day shall be
8 endorsed by the receiving election authority with the day and
9 hour of receipt and shall be counted at the central ballot
10 counting location of the election authority during the same
11 period provided for counting absent voters' ballots under
12 subsections (b), (g), and (g-5). Special write-in absentee
13 voter's blank ballots that are mailed to an election authority
14 and postmarked by the midnight preceding the opening of the
15 polls on election day, but that are received by the election
16 authority after the polls close on election day and before the
17 closing of the period for counting provisional ballots cast at
18 that election, shall be endorsed by the receiving authority
19 with the day and hour of receipt and shall be counted at the
20 central ballot counting location of the election authority
21 during the same periods provided for counting absent voters'
22 ballots under subsection (c).

23 (e) Except as otherwise provided in this Section, absent
24 voters' ballots and special write-in absentee voter's blank
25 ballots received by the election authority after the closing of
26 the polls on an election day shall be endorsed by the election

1 authority receiving them with the day and hour of receipt and
2 shall be safely kept unopened by the election authority for the
3 period of time required for the preservation of ballots used at
4 the election, and shall then, without being opened, be
5 destroyed in like manner as the used ballots of that election.

6 (f) Counting required under this Section to begin on
7 election day after the closing of the polls shall commence no
8 later than 8:00 p.m. and shall be conducted by a panel or
9 panels of election judges appointed in the manner provided by
10 law. The counting shall continue until all absent voters'
11 ballots and special write-in absentee voter's blank ballots
12 required to be counted on election day have been counted.

13 (g) The procedures set forth in Articles 17 and 18 and,
14 with respect to primaries, in Section 19-4.5 of this Code shall
15 apply to all ballots counted under this Section. In addition,
16 within 2 days after an absentee ballot, other than an in-person
17 absentee ballot, is received, but in all cases before the close
18 of the period for counting provisional ballots, the election
19 judge or official shall compare the voter's signature on the
20 certification envelope of that absentee ballot with the
21 signature of the voter on file in the office of the election
22 authority. If the election judge or official determines that
23 the 2 signatures match, and that the absentee voter is
24 otherwise qualified to cast an absentee ballot, the election
25 authority shall cast and count the ballot on election day or
26 the day the ballot is determined to be valid, whichever is

1 later, adding the results to the precinct in which the voter is
2 registered. If the election judge or official determines that
3 the signatures do not match, or that the absentee voter is not
4 qualified to cast an absentee ballot, then without opening the
5 certification envelope, the judge or official shall mark across
6 the face of the certification envelope the word "Rejected" and
7 shall not cast or count the ballot.

8 In addition to the voter's signatures not matching, an
9 absentee ballot may be rejected by the election judge or
10 official:

11 (1) if the ballot envelope is open or has been opened
12 and resealed;

13 (2) if the voter has already cast an early or grace
14 period ballot;

15 (3) if the voter voted in person on election day or the
16 voter is not a duly registered voter in the precinct; or

17 (4) on any other basis set forth in this Code.

18 If the election judge or official determines that any of
19 these reasons apply, the judge or official shall mark across
20 the face of the certification envelope the word "Rejected" and
21 shall not cast or count the ballot.

22 (g-5) If an absentee ballot, other than an in-person
23 absentee ballot, is rejected by the election judge or official
24 for any reason, the election authority shall, within 2 days
25 after the rejection but in all cases before the close of the
26 period for counting provisional ballots, notify the absentee

1 voter that his or her ballot was rejected. The notice shall
2 inform the voter of the reason or reasons the ballot was
3 rejected and shall state that the voter may appear before the
4 election authority, on or before the 14th day after the
5 election, to show cause as to why the ballot should not be
6 rejected. The voter may present evidence to the election
7 authority supporting his or her contention that the ballot
8 should be counted. The election authority shall appoint a panel
9 of 3 election judges to review the contested ballot,
10 application, and certification envelope, as well as any
11 evidence submitted by the absentee voter. No more than 2
12 election judges on the reviewing panel shall be of the same
13 political party. The reviewing panel of election judges shall
14 make a final determination as to the validity of the contested
15 absentee ballot. The judges' determination shall not be
16 reviewable either administratively or judicially.

17 An absentee ballot subject to this subsection that is
18 determined to be valid shall be counted before the close of the
19 period for counting provisional ballots.

20 (g-10) All absentee ballots determined to be valid shall be
21 added to the vote totals for the precincts for which they were
22 cast in the order in which the ballots were opened.

23 (h) Each political party, candidate, and qualified civic
24 organization shall be entitled to have present one pollwatcher
25 for each panel of election judges therein assigned.

26 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;

1 95-699, eff. 11-9-07.)

2 (Text of Section after amendment by P.A. 98-1171)

3 Sec. 19-8. Time and place of counting ballots.

4 (a) (Blank.)

5 (b) Each vote by mail voter's ballot returned to an
6 election authority, by any means authorized by this Article,
7 and received by that election authority before the closing of
8 the polls on election day shall be endorsed by the receiving
9 election authority with the day and hour of receipt and may be
10 processed by the election authority beginning on the 15th day
11 before election day in the central ballot counting location of
12 the election authority, but the results of the processing may
13 not be counted until the day of the election after 7:00 p.m.,
14 except as provided in subsections (g) and (g-5).

15 (c) Each vote by mail voter's ballot that is mailed to an
16 election authority and postmarked no later than election day,
17 but that is received by the election authority after the polls
18 close on election day and before the close of the period for
19 counting provisional ballots cast at that election, shall be
20 endorsed by the receiving authority with the day and hour of
21 receipt and shall be counted at the central ballot counting
22 location of the election authority during the period for
23 counting provisional ballots.

24 Each vote by mail voter's ballot that is mailed to an
25 election authority absent a postmark, but that is received by

1 the election authority after the polls close on election day
2 and before the close of the period for counting provisional
3 ballots cast at that election, shall be endorsed by the
4 receiving authority with the day and hour of receipt, opened to
5 inspect the date inserted on the certification, and, if the
6 certification date is a date preceding the election day and the
7 ballot is otherwise found to be valid under the requirements of
8 this Section, counted at the central ballot counting location
9 of the election authority during the period for counting
10 provisional ballots. Absent a date on the certification, the
11 ballot shall not be counted.

12 (d) Special write-in vote by mail voter's blank ballots
13 returned to an election authority, by any means authorized by
14 this Article, and received by the election authority at any
15 time before the closing of the polls on election day shall be
16 endorsed by the receiving election authority with the day and
17 hour of receipt and shall be counted at the central ballot
18 counting location of the election authority during the same
19 period provided for counting vote by mail voters' ballots under
20 subsections (b), (g), and (g-5). Special write-in vote by mail
21 voter's blank ballots that are mailed to an election authority
22 and postmarked no later than election day, but that are
23 received by the election authority after the polls close on
24 election day and before the closing of the period for counting
25 provisional ballots cast at that election, shall be endorsed by
26 the receiving authority with the day and hour of receipt and

1 shall be counted at the central ballot counting location of the
2 election authority during the same periods provided for
3 counting vote by mail voters' ballots under subsection (c).

4 (e) Except as otherwise provided in this Section, vote by
5 mail voters' ballots and special write-in vote by mail voter's
6 blank ballots received by the election authority after the
7 closing of the polls on an election day shall be endorsed by
8 the election authority receiving them with the day and hour of
9 receipt and shall be safely kept unopened by the election
10 authority for the period of time required for the preservation
11 of ballots used at the election, and shall then, without being
12 opened, be destroyed in like manner as the used ballots of that
13 election.

14 (f) Counting required under this Section to begin on
15 election day after the closing of the polls shall commence no
16 later than 8:00 p.m. and shall be conducted by a panel or
17 panels of election judges appointed in the manner provided by
18 law. The counting shall continue until all vote by mail voters'
19 ballots and special write-in vote by mail voter's blank ballots
20 required to be counted on election day have been counted.

21 (g) The procedures set forth in Articles 17 and 18 and,
22 with respect to primaries, in Section 19-4.5 of this Code shall
23 apply to all ballots counted under this Section. In addition,
24 within 2 days after a vote by mail ballot is received, but in
25 all cases before the close of the period for counting
26 provisional ballots, the election judge or official shall

1 compare the voter's signature on the certification envelope of
2 that vote by mail ballot with the signature of the voter on
3 file in the office of the election authority. If the election
4 judge or official determines that the 2 signatures match, and
5 that the vote by mail voter is otherwise qualified to cast a
6 vote by mail ballot, the election authority shall cast and
7 count the ballot on election day or the day the ballot is
8 determined to be valid, whichever is later, adding the results
9 to the precinct in which the voter is registered. If the
10 election judge or official determines that the signatures do
11 not match, or that the vote by mail voter is not qualified to
12 cast a vote by mail ballot, then without opening the
13 certification envelope, the judge or official shall mark across
14 the face of the certification envelope the word "Rejected" and
15 shall not cast or count the ballot.

16 In addition to the voter's signatures not matching, a vote
17 by mail ballot may be rejected by the election judge or
18 official:

19 (1) if the ballot envelope is open or has been opened
20 and resealed;

21 (2) if the voter has already cast an early or grace
22 period ballot;

23 (3) if the voter voted in person on election day or the
24 voter is not a duly registered voter in the precinct; or

25 (4) on any other basis set forth in this Code.

26 If the election judge or official determines that any of

1 these reasons apply, the judge or official shall mark across
2 the face of the certification envelope the word "Rejected" and
3 shall not cast or count the ballot.

4 (g-5) If a vote by mail ballot is rejected by the election
5 judge or official for any reason, the election authority shall,
6 within 2 days after the rejection but in all cases before the
7 close of the period for counting provisional ballots, notify
8 the vote by mail voter that his or her ballot was rejected. The
9 notice shall inform the voter of the reason or reasons the
10 ballot was rejected and shall state that the voter may appear
11 before the election authority, on or before the 14th day after
12 the election, to show cause as to why the ballot should not be
13 rejected. The voter may present evidence to the election
14 authority supporting his or her contention that the ballot
15 should be counted. The election authority shall appoint a panel
16 of 3 election judges to review the contested ballot,
17 application, and certification envelope, as well as any
18 evidence submitted by the vote by mail voter. No more than 2
19 election judges on the reviewing panel shall be of the same
20 political party. The reviewing panel of election judges shall
21 make a final determination as to the validity of the contested
22 vote by mail ballot. The judges' determination shall not be
23 reviewable either administratively or judicially.

24 A vote by mail ballot subject to this subsection that is
25 determined to be valid shall be counted before the close of the
26 period for counting provisional ballots.

1 (g-10) All vote by mail ballots determined to be valid
2 shall be added to the vote totals for the precincts for which
3 they were cast in the order in which the ballots were opened.

4 (h) Each political party, candidate, and qualified civic
5 organization shall be entitled to have present one pollwatcher
6 for each panel of election judges therein assigned.

7 (Source: P.A. 98-1171, eff. 6-1-15.)

8 (10 ILCS 5/19-12.1) (from Ch. 46, par. 19-12.1)

9 (Text of Section before amendment by P.A. 98-1171)

10 Sec. 19-12.1. Any qualified elector who has secured an
11 Illinois Person with a Disability Identification Card in
12 accordance with the Illinois Identification Card Act,
13 indicating that the person named thereon has a Class 1A or
14 Class 2 disability or any qualified voter who has a permanent
15 physical incapacity of such a nature as to make it improbable
16 that he will be able to be present at the polls at any future
17 election, or any voter who is a resident of (i) a federally
18 operated veterans' home, hospital, or facility located in
19 Illinois or (ii) a facility licensed or certified pursuant to
20 the Nursing Home Care Act, the Specialized Mental Health
21 Rehabilitation Act of 2013, or the ID/DD Community Care Act and
22 has a condition or disability of such a nature as to make it
23 improbable that he will be able to be present at the polls at
24 any future election, may secure a disabled voter's or nursing
25 home resident's identification card, which will enable him to

1 vote under this Article as a physically incapacitated or
2 nursing home voter. For the purposes of this Section,
3 "federally operated veterans' home, hospital, or facility"
4 means the long-term care facilities at the Jesse Brown VA
5 Medical Center, Illiana Health Care System, Edward Hines, Jr.
6 VA Hospital, Marion VA Medical Center, and Captain James A.
7 Lovell Federal Health Care Center.

8 Application for a disabled voter's or nursing home
9 resident's identification card shall be made either: (a) in
10 writing, with voter's sworn affidavit, to the county clerk or
11 board of election commissioners, as the case may be, and shall
12 be accompanied by the affidavit of the attending physician
13 specifically describing the nature of the physical incapacity
14 or the fact that the voter is a nursing home resident and is
15 physically unable to be present at the polls on election days;
16 or (b) by presenting, in writing or otherwise, to the county
17 clerk or board of election commissioners, as the case may be,
18 proof that the applicant has secured an Illinois Person with a
19 Disability Identification Card indicating that the person
20 named thereon has a Class 1A or Class 2 disability. Upon the
21 receipt of either the sworn-to application and the physician's
22 affidavit or proof that the applicant has secured an Illinois
23 Person with a Disability Identification Card indicating that
24 the person named thereon has a Class 1A or Class 2 disability,
25 the county clerk or board of election commissioners shall issue
26 a disabled voter's or nursing home resident's identification

1 card. Such identification cards shall be issued for a period of
2 5 years, upon the expiration of which time the voter may secure
3 a new card by making application in the same manner as is
4 prescribed for the issuance of an original card, accompanied by
5 a new affidavit of the attending physician. The date of
6 expiration of such five-year period shall be made known to any
7 interested person by the election authority upon the request of
8 such person. Applications for the renewal of the identification
9 cards shall be mailed to the voters holding such cards not less
10 than 3 months prior to the date of expiration of the cards.

11 Each disabled voter's or nursing home resident's
12 identification card shall bear an identification number, which
13 shall be clearly noted on the voter's original and duplicate
14 registration record cards. In the event the holder becomes
15 physically capable of resuming normal voting, he must surrender
16 his disabled voter's or nursing home resident's identification
17 card to the county clerk or board of election commissioners
18 before the next election.

19 The holder of a disabled voter's or nursing home resident's
20 identification card may make application by mail for an
21 official ballot within the time prescribed by Section 19-2.
22 Such application shall contain the same information as is
23 included in the form of application for ballot by a physically
24 incapacitated elector prescribed in Section 19-3 except that it
25 shall also include the applicant's disabled voter's
26 identification card number and except that it need not be sworn

1 to. If an examination of the records discloses that the
2 applicant is lawfully entitled to vote, he shall be mailed a
3 ballot or ballots as provided in Section 19-4 and, if
4 applicable, in Section 19-4.5. The ballot envelope shall be the
5 same as that prescribed in Section 19-5 for physically disabled
6 voters, and the manner of voting and returning the ballot shall
7 be the same as that provided in this Article for other absentee
8 ballots, except that a statement to be subscribed to by the
9 voter but which need not be sworn to shall be placed on the
10 ballot envelope in lieu of the affidavit prescribed by Section
11 19-5.

12 Any person who knowingly subscribes to a false statement in
13 connection with voting under this Section shall be guilty of a
14 Class A misdemeanor.

15 For the purposes of this Section, "nursing home resident"
16 includes a resident of (i) a federally operated veterans' home,
17 hospital, or facility located in Illinois or (ii) a facility
18 licensed under the ID/DD Community Care Act or the Specialized
19 Mental Health Rehabilitation Act of 2013. For the purposes of
20 this Section, "federally operated veterans' home, hospital, or
21 facility" means the long-term care facilities at the Jesse
22 Brown VA Medical Center, Illiana Health Care System, Edward
23 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
24 James A. Lovell Federal Health Care Center.

25 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
26 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;

1 98-104, eff. 7-22-13.)

2 (Text of Section after amendment by P.A. 98-1171)

3 Sec. 19-12.1. Any qualified elector who has secured an
4 Illinois Person with a Disability Identification Card in
5 accordance with the Illinois Identification Card Act,
6 indicating that the person named thereon has a Class 1A or
7 Class 2 disability or any qualified voter who has a permanent
8 physical incapacity of such a nature as to make it improbable
9 that he will be able to be present at the polls at any future
10 election, or any voter who is a resident of (i) a federally
11 operated veterans' home, hospital, or facility located in
12 Illinois or (ii) a facility licensed or certified pursuant to
13 the Nursing Home Care Act, the Specialized Mental Health
14 Rehabilitation Act of 2013, or the ID/DD Community Care Act and
15 has a condition or disability of such a nature as to make it
16 improbable that he will be able to be present at the polls at
17 any future election, may secure a disabled voter's or nursing
18 home resident's identification card, which will enable him to
19 vote under this Article as a physically incapacitated or
20 nursing home voter. For the purposes of this Section,
21 "federally operated veterans' home, hospital, or facility"
22 means the long-term care facilities at the Jesse Brown VA
23 Medical Center, Illiana Health Care System, Edward Hines, Jr.
24 VA Hospital, Marion VA Medical Center, and Captain James A.
25 Lovell Federal Health Care Center.

1 Application for a disabled voter's or nursing home
2 resident's identification card shall be made either: (a) in
3 writing, with voter's sworn affidavit, to the county clerk or
4 board of election commissioners, as the case may be, and shall
5 be accompanied by the affidavit of the attending physician
6 specifically describing the nature of the physical incapacity
7 or the fact that the voter is a nursing home resident and is
8 physically unable to be present at the polls on election days;
9 or (b) by presenting, in writing or otherwise, to the county
10 clerk or board of election commissioners, as the case may be,
11 proof that the applicant has secured an Illinois Person with a
12 Disability Identification Card indicating that the person
13 named thereon has a Class 1A or Class 2 disability. Upon the
14 receipt of either the sworn-to application and the physician's
15 affidavit or proof that the applicant has secured an Illinois
16 Person with a Disability Identification Card indicating that
17 the person named thereon has a Class 1A or Class 2 disability,
18 the county clerk or board of election commissioners shall issue
19 a disabled voter's or nursing home resident's identification
20 card. Such identification cards shall be issued for a period of
21 5 years, upon the expiration of which time the voter may secure
22 a new card by making application in the same manner as is
23 prescribed for the issuance of an original card, accompanied by
24 a new affidavit of the attending physician. The date of
25 expiration of such five-year period shall be made known to any
26 interested person by the election authority upon the request of

1 such person. Applications for the renewal of the identification
2 cards shall be mailed to the voters holding such cards not less
3 than 3 months prior to the date of expiration of the cards.

4 Each disabled voter's or nursing home resident's
5 identification card shall bear an identification number, which
6 shall be clearly noted on the voter's original and duplicate
7 registration record cards. In the event the holder becomes
8 physically capable of resuming normal voting, he must surrender
9 his disabled voter's or nursing home resident's identification
10 card to the county clerk or board of election commissioners
11 before the next election.

12 The holder of a disabled voter's or nursing home resident's
13 identification card may make application by mail for an
14 official ballot within the time prescribed by Section 19-2.
15 Such application shall contain the same information as is
16 included in the form of application for ballot by a physically
17 incapacitated elector prescribed in Section 19-3 except that it
18 shall also include the applicant's disabled voter's
19 identification card number and except that it need not be sworn
20 to. If an examination of the records discloses that the
21 applicant is lawfully entitled to vote, he shall be mailed a
22 ballot or ballots as provided in Section 19-4 and, if
23 applicable, in Section 19-4.5. The ballot envelope shall be the
24 same as that prescribed in Section 19-5 for physically disabled
25 voters, and the manner of voting and returning the ballot shall
26 be the same as that provided in this Article for other vote by

1 mail ballots, except that a statement to be subscribed to by
2 the voter but which need not be sworn to shall be placed on the
3 ballot envelope in lieu of the affidavit prescribed by Section
4 19-5.

5 Any person who knowingly subscribes to a false statement in
6 connection with voting under this Section shall be guilty of a
7 Class A misdemeanor.

8 For the purposes of this Section, "nursing home resident"
9 includes a resident of (i) a federally operated veterans' home,
10 hospital, or facility located in Illinois or (ii) a facility
11 licensed under the ID/DD Community Care Act or the Specialized
12 Mental Health Rehabilitation Act of 2013. For the purposes of
13 this Section, "federally operated veterans' home, hospital, or
14 facility" means the long-term care facilities at the Jesse
15 Brown VA Medical Center, Illiana Health Care System, Edward
16 Hines, Jr. VA Hospital, Marion VA Medical Center, and Captain
17 James A. Lovell Federal Health Care Center.

18 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-275,
19 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1064, eff. 1-1-13;
20 98-104, eff. 7-22-13; 98-1171, eff. 6-1-15.)

21 (10 ILCS 5/20-3) (from Ch. 46, par. 20-3)

22 (Text of Section before amendment by P.A. 98-1171)

23 Sec. 20-3. The election authority shall furnish the
24 following applications for absentee registration or absentee
25 ballot which shall be considered a method of application in

1 lieu of the official postcard.

2 1. Members of the United States Service, citizens of the
3 United States temporarily residing outside the territorial
4 limits of the United States, and certified program participants
5 under the Address Confidentiality for Victims of Domestic
6 Violence Act may make application within the periods prescribed
7 in Sections 20-2 or 20-2.1, as the case may be. Such
8 application shall be substantially in the following form:

9 "APPLICATION FOR BALLOT

10 To be voted at the..... election in the precinct in
11 which is located my residence at....., in the
12 city/village/township of(insert home address)
13 County of..... and State of Illinois.

14 I state that I am a citizen of the United States; that on
15 (insert date of election) I shall have resided in the State of
16 Illinois and in the election precinct for 30 days; that on the
17 above date I shall be the age of 18 years or above; that I am
18 lawfully entitled to vote in such precinct at that election;
19 that I am (check category 1, 2, or 3 below):

- 20 1. () a member of the United States Service,
- 21 2. () a citizen of the United States temporarily residing
22 outside the territorial limits of the United States and that I
23 expect to be absent from the said county of my residence on the
24 date of holding such election, and that I will have no
25 opportunity to vote in person on that day.
- 26 3. () a certified program participant under the Address

1 Confidentiality for Victims of Domestic Violence Act.

2 I hereby make application for an official ballot or ballots
3 to be voted by me at such election if I am absent from the said
4 county of my residence, and I agree that I shall return said
5 ballot or ballots to the election authority postmarked no later
6 than midnight preceding election day, for counting no later
7 than during the period for counting provisional ballots, the
8 last day of which is the 14th day following election day or
9 shall destroy said ballot or ballots.

10 (Check below only if category 2 or 3 and not previously
11 registered)

12 () I hereby make application to become registered as a
13 voter and agree to return the forms and affidavits for
14 registration to the election authority not later than 30 days
15 before the election.

16 Under penalties as provided by law pursuant to Article 29
17 of The Election Code, the undersigned certifies that the
18 statements set forth in this application are true and correct.

19

20 Post office address or service address to which
21 registration materials or ballot should be mailed

22

23

24

25"

26 ~~If application is made for a primary election ballot, such~~

1 ~~application shall designate the name of the political party~~
2 ~~with which the applicant is affiliated.~~

3 Such applications may be obtained from the election
4 authority having jurisdiction over the person's precinct of
5 residence.

6 2. A spouse or dependent of a member of the United States
7 Service, said spouse or dependent being a registered voter in
8 the county, may make application on behalf of said person in
9 the office of the election authority within the periods
10 prescribed in Section 20-2 which shall be substantially in the
11 following form:

12 "APPLICATION FOR BALLOT to be voted at the..... election
13 in the precinct in which is located the residence of the person
14 for whom this application is made at.....(insert
15 residence address) in the city/village/township of.....
16 County of..... and State of Illinois.

17 I certify that the following named person.....
18 (insert name of person) is a member of the United States
19 Service.

20 I state that said person is a citizen of the United States;
21 that on (insert date of election) said person shall have
22 resided in the State of Illinois and in the election precinct
23 for which this application is made for 30 days; that on the
24 above date said person shall be the age of 18 years or above;
25 that said person is lawfully entitled to vote in such precinct
26 at that election; that said person is a member of the United

1 States Service, and that in the course of his duties said
 2 person expects to be absent from his county of residence on the
 3 date of holding such election, and that said person will have
 4 no opportunity to vote in person on that day.

5 I hereby make application for an official ballot or ballots
 6 to be voted by said person at such election and said person
 7 agrees that he shall return said ballot or ballots to the
 8 election authority postmarked no later than midnight preceding
 9 election day, for counting no later than during the period for
 10 counting provisional ballots, the last day of which is the 14th
 11 day following election day, or shall destroy said ballot or
 12 ballots.

13 I hereby certify that I am the (mother, father, sister,
 14 brother, husband or wife) of the said elector, and that I am a
 15 registered voter in the election precinct for which this
 16 application is made. (Strike all but one that is applicable.)

17 Under penalties as provided by law pursuant to Article 29
 18 of The Election Code, the undersigned certifies that the
 19 statements set forth in this application are true and correct.

20 Name of applicant

21 Residence address

22 City/village/township.....

23 Service address to which ballot should be mailed:
 24
 25
 26

1"

2 ~~If application is made for a primary election ballot, such~~
3 ~~application shall designate the name of the political party~~
4 ~~with which the person for whom application is made is~~
5 ~~affiliated.~~

6 Such applications may be obtained from the election
7 authority having jurisdiction over the voting precinct in which
8 the person for whom application is made is entitled to vote.

9 (Source: P.A. 96-312, eff. 1-1-10.)

10 (Text of Section after amendment by P.A. 98-1171)

11 Sec. 20-3. The election authority shall furnish the
12 following applications for registration by mail or vote by mail
13 ballot which shall be considered a method of application in
14 lieu of the official postcard.

15 1. Members of the United States Service, citizens of the
16 United States temporarily residing outside the territorial
17 limits of the United States, and certified program participants
18 under the Address Confidentiality for Victims of Domestic
19 Violence Act may make application within the periods prescribed
20 in Sections 20-2 or 20-2.1, as the case may be. Such
21 application shall be substantially in the following form:

22 "APPLICATION FOR BALLOT

23 To be voted at the..... election in the precinct in
24 which is located my residence at....., in the
25 city/village/township of(insert home address)

1 County of..... and State of Illinois.

2 I state that I am a citizen of the United States; that on
3 (insert date of election) I shall have resided in the State of
4 Illinois and in the election precinct for 30 days; that on the
5 above date I shall be the age of 18 years or above; that I am
6 lawfully entitled to vote in such precinct at that election;
7 that I am (check category 1, 2, or 3 below):

8 1. () a member of the United States Service,

9 2. () a citizen of the United States temporarily residing
10 outside the territorial limits of the United States and that I
11 expect to be absent from the said county of my residence on the
12 date of holding such election, and that I will have no
13 opportunity to vote in person on that day.

14 3. () a certified program participant under the Address
15 Confidentiality for Victims of Domestic Violence Act.

16 I hereby make application for an official ballot or ballots
17 to be voted by me at such election if I am absent from the said
18 county of my residence, and I agree that I shall return said
19 ballot or ballots to the election authority postmarked no later
20 than midnight preceding election day, for counting no later
21 than during the period for counting provisional ballots, the
22 last day of which is the 14th day following election day or
23 shall destroy said ballot or ballots.

24 (Check below only if category 2 or 3 and not previously
25 registered)

26 () I hereby make application to become registered as a

1 voter and agree to return the forms and affidavits for
2 registration to the election authority not later than 30 days
3 before the election.

4 Under penalties as provided by law pursuant to Article 29
5 of The Election Code, the undersigned certifies that the
6 statements set forth in this application are true and correct.

7

8 Post office address or service address to which
9 registration materials or ballot should be mailed

10

11

12

13"

14 ~~If application is made for a primary election ballot, such~~
15 ~~application shall designate the name of the political party~~
16 ~~with which the applicant is affiliated.~~

17 Such applications may be obtained from the election
18 authority having jurisdiction over the person's precinct of
19 residence.

20 2. A spouse or dependent of a member of the United States
21 Service, said spouse or dependent being a registered voter in
22 the county, may make application on behalf of said person in
23 the office of the election authority within the periods
24 prescribed in Section 20-2 which shall be substantially in the
25 following form:

26 "APPLICATION FOR BALLOT to be voted at the..... election

1 in the precinct in which is located the residence of the person
2 for whom this application is made at.....(insert
3 residence address) in the city/village/township of.....
4 County of..... and State of Illinois.

5 I certify that the following named person.....
6 (insert name of person) is a member of the United States
7 Service.

8 I state that said person is a citizen of the United States;
9 that on (insert date of election) said person shall have
10 resided in the State of Illinois and in the election precinct
11 for which this application is made for 30 days; that on the
12 above date said person shall be the age of 18 years or above;
13 that said person is lawfully entitled to vote in such precinct
14 at that election; that said person is a member of the United
15 States Service, and that in the course of his duties said
16 person expects to be absent from his county of residence on the
17 date of holding such election, and that said person will have
18 no opportunity to vote in person on that day.

19 I hereby make application for an official ballot or ballots
20 to be voted by said person at such election and said person
21 agrees that he shall return said ballot or ballots to the
22 election authority postmarked no later than midnight preceding
23 election day, for counting no later than during the period for
24 counting provisional ballots, the last day of which is the 14th
25 day following election day, or shall destroy said ballot or
26 ballots.

1 I hereby certify that I am the (mother, father, sister,
 2 brother, husband or wife) of the said elector, and that I am a
 3 registered voter in the election precinct for which this
 4 application is made. (Strike all but one that is applicable.)

5 Under penalties as provided by law pursuant to Article 29
 6 of The Election Code, the undersigned certifies that the
 7 statements set forth in this application are true and correct.

8 Name of applicant

9 Residence address

10 City/village/township.....

11 Service address to which ballot should be mailed:
 12
 13
 14
 15"

16 ~~If application is made for a primary election ballot, such~~
 17 ~~application shall designate the name of the political party~~
 18 ~~with which the person for whom application is made is~~
 19 ~~affiliated.~~

20 Such applications may be obtained from the election
 21 authority having jurisdiction over the voting precinct in which
 22 the person for whom application is made is entitled to vote.

23 (Source: P.A. 98-1171, eff. 6-1-15.)

24 (10 ILCS 5/20-4.5 new)

25 Sec. 20-4.5. Primary ballots.

1 (a) A person entitled to vote by absentee ballot at a
2 primary shall not be required to declare his or her political
3 party affiliation and shall be provided with the ballots of all
4 established political parties nominating candidates for
5 offices for which the absentee voter is entitled to vote at
6 that primary. That absentee voter may mark, cast, and have
7 counted the primary ballot of only one established political
8 party, except that he or she may mark, cost, and have counted
9 the primary ballots of a statewide established political party
10 and a local political party established only within a political
11 subdivision as provided in subsection (b) of Section 7-44.

12 (b) With respect to the marking, casting, and counting of
13 primary ballots, absentee voting shall be conducted in
14 accordance with Sections 7-43 and 7-44 of this Code as well as
15 the provisions of this Article.

16 (c) When voting absentee at a primary, the voter shall be
17 instructed to discard or otherwise destroy any ballots of
18 political parties that the voter does not intend to cast. Such
19 a discarded or destroyed ballot or ballots is not the ballot or
20 ballots the voter agreed in the absentee ballot application to
21 return to the election authority.

22 If a voter subject to this subsection returns to the
23 election authority the ballot of more than one established
24 political party, the judges of election shall determine which
25 votes to count as provided in subsection (b) of Section 7-44.

1 (10 ILCS 5/20-5) (from Ch. 46, par. 20-5)

2 (Text of Section before amendment by P.A. 98-1171)

3 Sec. 20-5. The election authority shall fold the ballot or
4 ballots in the manner specified by the statute for folding
5 ballots prior to their deposit in the ballot box and shall
6 enclose such ballot in an envelope unsealed to be furnished by
7 it, which envelope shall bear upon the face thereof the name,
8 official title and post office address of the election
9 authority, and upon the other side of such envelope there shall
10 be printed a certification in substantially the following form:

11 "CERTIFICATION

12 I state that I am a resident/former resident of the
13 precinct of the city/village/township of,
14 (Designation to be made by Election Authority) or of the
15 ward in the city of (Designation to be made by
16 Election Authority) residing at in said
17 city/village/township in the county of and State of
18 Illinois; that I am a

- 19 1. () member of the United States Service
- 20 2. () citizen of the United States temporarily residing
- 21 outside the territorial limits of the United States
- 22 3. () nonresident civilian citizen

23 and desire to cast the enclosed ballot pursuant to Article 20
24 of The Election Code; that I am lawfully entitled to vote in
25 such precinct at the election to be held on
26

1 I further state that I marked the enclosed ballot in
2 secret.

3 Under penalties as provided by law pursuant to Article 29
4 of The Election Code, the undersigned certifies that the
5 statements set forth in this certification are true and
6 correct.

7 (Name)

8

9 (Service Address)"

10

11

12

13 ~~If the ballot enclosed is to be voted at a primary~~
14 ~~election, the certification shall designate the name of the~~
15 ~~political party with which the voter is affiliated.~~

16 In addition to the above, the election authority shall
17 provide printed slips giving full instructions regarding the
18 manner of completing the forms and affidavits for absentee
19 registration or the manner of marking and returning the ballot
20 in order that the same may be counted, and shall furnish one of
21 the printed slips to each of the applicants at the same time
22 the registration materials or ballot is delivered to him.

23 In addition to the above, if a ballot to be provided to an
24 elector pursuant to this Section contains a public question
25 described in subsection (b) of Section 28-6 and the territory
26 concerning which the question is to be submitted is not

1 described on the ballot due to the space limitations of such
2 ballot, the election authority shall provide a printed copy of
3 a notice of the public question, which shall include a
4 description of the territory in the manner required by Section
5 16-7. The notice shall be furnished to the elector at the same
6 time the ballot is delivered to the elector.

7 The envelope in which such registration or such ballot is
8 mailed to the voter as well as the envelope in which the
9 registration materials or the ballot is returned by the voter
10 shall have printed across the face thereof two parallel
11 horizontal red bars, each one-quarter inch wide, extending from
12 one side of the envelope to the other side, with an intervening
13 space of one-quarter inch, the top bar to be one and
14 one-quarter inches from the top of the envelope, and with the
15 words "Official Election Balloting Material-VIA AIR MAIL"
16 between the bars. In the upper right corner of such envelope in
17 a box, there shall be printed the words: "U.S. Postage Paid 42
18 USC 1973". All printing on the face of such envelopes shall be
19 in red, including an appropriate inscription or blank in the
20 upper left corner of return address of sender.

21 The envelope in which the ballot is returned to the
22 election authority may be delivered (i) by mail, postage paid,
23 (ii) in person, by the spouse, parent, child, brother, or
24 sister of the voter, or (iii) by a company engaged in the
25 business of making deliveries of property and licensed as a
26 motor carrier of property by the Illinois Commerce Commission

1 under the Illinois Commercial Transportation Law.

2 Election authorities transmitting ballots by facsimile or
3 electronic transmission shall, to the extent possible, provide
4 those applicants with the same instructions, certification,
5 and other materials required when sending by mail.

6 (Source: P.A. 96-512, eff. 1-1-10; 96-1004, eff. 1-1-11.)

7 (Text of Section after amendment by P.A. 98-1171)

8 Sec. 20-5. The election authority shall fold the ballot or
9 ballots in the manner specified by the statute for folding
10 ballots prior to their deposit in the ballot box and shall
11 enclose such ballot in an envelope unsealed to be furnished by
12 it, which envelope shall bear upon the face thereof the name,
13 official title and post office address of the election
14 authority, and upon the other side of such envelope there shall
15 be printed a certification in substantially the following form:

16 "CERTIFICATION

17 I state that I am a resident/former resident of the
18 precinct of the city/village/township of,
19 (Designation to be made by Election Authority) or of the
20 ward in the city of (Designation to be made by
21 Election Authority) residing at in said
22 city/village/township in the county of and State of
23 Illinois; that I am a

- 24 1. () member of the United States Service
25 2. () citizen of the United States temporarily residing

1 outside the territorial limits of the United States

2 3. () nonresident civilian citizen

3 and desire to cast the enclosed ballot pursuant to Article 20
4 of The Election Code; that I am lawfully entitled to vote in
5 such precinct at the election to be held on
6

7 I further state that I marked the enclosed ballot in
8 secret.

9 Under penalties as provided by law pursuant to Article 29
10 of The Election Code, the undersigned certifies that the
11 statements set forth in this certification are true and
12 correct.

13 (Name)

14

15 (Service Address)"

16

17

18

19 ~~If the ballot enclosed is to be voted at a primary~~
20 ~~election, the certification shall designate the name of the~~
21 ~~political party with which the voter is affiliated.~~

22 In addition to the above, the election authority shall
23 provide printed slips giving full instructions regarding the
24 manner of completing the forms and affidavits for registration
25 by mail or the manner of marking and returning the ballot in
26 order that the same may be counted, and shall furnish one of

1 the printed slips to each of the applicants at the same time
2 the registration materials or ballot is delivered to him.

3 In addition to the above, if a ballot to be provided to an
4 elector pursuant to this Section contains a public question
5 described in subsection (b) of Section 28-6 and the territory
6 concerning which the question is to be submitted is not
7 described on the ballot due to the space limitations of such
8 ballot, the election authority shall provide a printed copy of
9 a notice of the public question, which shall include a
10 description of the territory in the manner required by Section
11 16-7. The notice shall be furnished to the elector at the same
12 time the ballot is delivered to the elector.

13 The envelope in which such registration or such ballot is
14 mailed to the voter as well as the envelope in which the
15 registration materials or the ballot is returned by the voter
16 shall have printed across the face thereof two parallel
17 horizontal red bars, each one-quarter inch wide, extending from
18 one side of the envelope to the other side, with an intervening
19 space of one-quarter inch, the top bar to be one and
20 one-quarter inches from the top of the envelope, and with the
21 words "Official Election Balloting Material-VIA AIR MAIL"
22 between the bars. In the upper right corner of such envelope in
23 a box, there shall be printed the words: "U.S. Postage Paid 42
24 USC 1973". All printing on the face of such envelopes shall be
25 in red, including an appropriate inscription or blank in the
26 upper left corner of return address of sender.

1 The envelope in which the ballot is returned to the
2 election authority may be delivered (i) by mail, postage paid,
3 (ii) in person, by the spouse, parent, child, brother, or
4 sister of the voter, or (iii) by a company engaged in the
5 business of making deliveries of property and licensed as a
6 motor carrier of property by the Illinois Commerce Commission
7 under the Illinois Commercial Transportation Law.

8 Election authorities transmitting ballots by facsimile or
9 electronic transmission shall, to the extent possible, provide
10 those applicants with the same instructions, certification,
11 and other materials required when sending by mail.

12 (Source: P.A. 98-1171, eff. 6-1-15.)

13 (10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

14 (Text of Section before amendment by P.A. 98-1171)

15 Sec. 20-8. Time and place of counting ballots.

16 (a) (Blank.)

17 (b) Each absent voter's ballot returned to an election
18 authority, by any means authorized by this Article, and
19 received by that election authority before the closing of the
20 polls on election day shall be endorsed by the receiving
21 election authority with the day and hour of receipt and shall
22 be counted in the central ballot counting location of the
23 election authority on the day of the election after 7:00 p.m.,
24 except as provided in subsections (g) and (g-5).

25 (c) Each absent voter's ballot that is mailed to an

1 election authority and postmarked by the midnight preceding the
2 opening of the polls on election day, but that is received by
3 the election authority after the polls close on election day
4 and before the close of the period for counting provisional
5 ballots cast at that election, shall be endorsed by the
6 receiving authority with the day and hour of receipt and shall
7 be counted at the central ballot counting location of the
8 election authority during the period for counting provisional
9 ballots.

10 Each absent voter's ballot that is mailed to an election
11 authority absent a postmark, but that is received by the
12 election authority after the polls close on election day and
13 before the close of the period for counting provisional ballots
14 cast at that election, shall be endorsed by the receiving
15 authority with the day and hour of receipt, opened to inspect
16 the date inserted on the certification, and, if the
17 certification date is a date preceding the election day and the
18 ballot is otherwise found to be valid under the requirements of
19 this Section, counted at the central ballot counting location
20 of the election authority during the period for counting
21 provisional ballots. Absent a date on the certification, the
22 ballot shall not be counted.

23 (d) Special write-in absentee voter's blank ballots
24 returned to an election authority, by any means authorized by
25 this Article, and received by the election authority at any
26 time before the closing of the polls on election day shall be

1 endorsed by the receiving election authority with the day and
2 hour of receipt and shall be counted at the central ballot
3 counting location of the election authority during the same
4 period provided for counting absent voters' ballots under
5 subsections (b), (g), and (g-5). Special write-in absentee
6 voter's blank ballot that are mailed to an election authority
7 and postmarked by midnight preceding the opening of the polls
8 on election day, but that are received by the election
9 authority after the polls close on election day and before the
10 closing of the period for counting provisional ballots cast at
11 that election, shall be endorsed by the receiving authority
12 with the day and hour of receipt and shall be counted at the
13 central ballot counting location of the election authority
14 during the same periods provided for counting absent voters'
15 ballots under subsection (c).

16 (e) Except as otherwise provided in this Section, absent
17 voters' ballots and special write-in absentee voter's blank
18 ballots received by the election authority after the closing of
19 the polls on the day of election shall be endorsed by the
20 person receiving the ballots with the day and hour of receipt
21 and shall be safely kept unopened by the election authority for
22 the period of time required for the preservation of ballots
23 used at the election, and shall then, without being opened, be
24 destroyed in like manner as the used ballots of that election.

25 (f) Counting required under this Section to begin on
26 election day after the closing of the polls shall commence no

1 later than 8:00 p.m. and shall be conducted by a panel or
2 panels of election judges appointed in the manner provided by
3 law. The counting shall continue until all absent voters'
4 ballots and special write-in absentee voter's blank ballots
5 required to be counted on election day have been counted.

6 (g) The procedures set forth in Articles 17 and 18 and,
7 with respect to primaries, in Section 20-4.5 of this Code shall
8 apply to all ballots counted under this Section. In addition,
9 within 2 days after a ballot subject to this Article is
10 received, but in all cases before the close of the period for
11 counting provisional ballots, the election judge or official
12 shall compare the voter's signature on the certification
13 envelope of that ballot with the signature of the voter on file
14 in the office of the election authority. If the election judge
15 or official determines that the 2 signatures match, and that
16 the voter is otherwise qualified to cast a ballot under this
17 Article, the election authority shall cast and count the ballot
18 on election day or the day the ballot is determined to be
19 valid, whichever is later, adding the results to the precinct
20 in which the voter is registered. If the election judge or
21 official determines that the signatures do not match, or that
22 the voter is not qualified to cast a ballot under this Article,
23 then without opening the certification envelope, the judge or
24 official shall mark across the face of the certification
25 envelope the word "Rejected" and shall not cast or count the
26 ballot.

1 In addition to the voter's signatures not matching, a
2 ballot subject to this Article may be rejected by the election
3 judge or official:

4 (1) if the ballot envelope is open or has been opened
5 and resealed;

6 (2) if the voter has already cast an early or grace
7 period ballot;

8 (3) if the voter voted in person on election day or the
9 voter is not a duly registered voter in the precinct; or

10 (4) on any other basis set forth in this Code.

11 If the election judge or official determines that any of
12 these reasons apply, the judge or official shall mark across
13 the face of the certification envelope the word "Rejected" and
14 shall not cast or count the ballot.

15 (g-5) If a ballot subject to this Article is rejected by
16 the election judge or official for any reason, the election
17 authority shall, within 2 days after the rejection but in all
18 cases before the close of the period for counting provisional
19 ballots, notify the voter that his or her ballot was rejected.
20 The notice shall inform the voter of the reason or reasons the
21 ballot was rejected and shall state that the voter may appear
22 before the election authority, on or before the 14th day after
23 the election, to show cause as to why the ballot should not be
24 rejected. The voter may present evidence to the election
25 authority supporting his or her contention that the ballot
26 should be counted. The election authority shall appoint a panel

1 of 3 election judges to review the contested ballot,
2 application, and certification envelope, as well as any
3 evidence submitted by the absentee voter. No more than 2
4 election judges on the reviewing panel shall be of the same
5 political party. The reviewing panel of election judges shall
6 make a final determination as to the validity of the contested
7 ballot. The judges' determination shall not be reviewable
8 either administratively or judicially.

9 A ballot subject to this subsection that is determined to
10 be valid shall be counted before the close of the period for
11 counting provisional ballots.

12 (g-10) All ballots determined to be valid shall be added to
13 the vote totals for the precincts for which they were cast in
14 the order in which the ballots were opened.

15 (h) Each political party, candidate, and qualified civic
16 organization shall be entitled to have present one pollwatcher
17 for each panel of election judges therein assigned.

18 (Source: P.A. 94-557, eff. 8-12-05; 94-1000, eff. 7-3-06;
19 95-699, eff. 11-9-07.)

20 (Text of Section after amendment by P.A. 98-1171)

21 Sec. 20-8. Time and place of counting ballots.

22 (a) (Blank.)

23 (b) Each vote by mail voter's ballot returned to an
24 election authority, by any means authorized by this Article,
25 and received by that election authority may be processed by the

1 election authority beginning on the 15th day before election
2 day in the central ballot counting location of the election
3 authority, but the results of the processing may not be counted
4 until the day of the election after 7:00 p.m., except as
5 provided in subsections (g) and (g-5).

6 (c) Each vote by mail voter's ballot that is mailed to an
7 election authority and postmarked no later than election day,
8 but that is received by the election authority after the polls
9 close on election day and before the close of the period for
10 counting provisional ballots cast at that election, shall be
11 endorsed by the receiving authority with the day and hour of
12 receipt and shall be counted at the central ballot counting
13 location of the election authority during the period for
14 counting provisional ballots.

15 Each vote by mail voter's ballot that is mailed to an
16 election authority absent a postmark, but that is received by
17 the election authority after the polls close on election day
18 and before the close of the period for counting provisional
19 ballots cast at that election, shall be endorsed by the
20 receiving authority with the day and hour of receipt, opened to
21 inspect the date inserted on the certification, and, if the
22 certification date is a date preceding the election day and the
23 ballot is otherwise found to be valid under the requirements of
24 this Section, counted at the central ballot counting location
25 of the election authority during the period for counting
26 provisional ballots. Absent a date on the certification, the

1 ballot shall not be counted.

2 (d) Special write-in vote by mail voter's blank ballots
3 returned to an election authority, by any means authorized by
4 this Article, and received by the election authority at any
5 time before the closing of the polls on election day shall be
6 endorsed by the receiving election authority with the day and
7 hour of receipt and shall be counted at the central ballot
8 counting location of the election authority during the same
9 period provided for counting vote by mail voters' ballots under
10 subsections (b), (g), and (g-5). Special write-in vote by mail
11 voter's blank ballot that are mailed to an election authority
12 and postmarked by midnight preceding the opening of the polls
13 on election day, but that are received by the election
14 authority after the polls close on election day and before the
15 closing of the period for counting provisional ballots cast at
16 that election, shall be endorsed by the receiving authority
17 with the day and hour of receipt and shall be counted at the
18 central ballot counting location of the election authority
19 during the same periods provided for counting vote by mail
20 voters' ballots under subsection (c).

21 (e) Except as otherwise provided in this Section, vote by
22 mail voters' ballots and special write-in vote by mail voter's
23 blank ballots received by the election authority after the
24 closing of the polls on the day of election shall be endorsed
25 by the person receiving the ballots with the day and hour of
26 receipt and shall be safely kept unopened by the election

1 authority for the period of time required for the preservation
2 of ballots used at the election, and shall then, without being
3 opened, be destroyed in like manner as the used ballots of that
4 election.

5 (f) Counting required under this Section to begin on
6 election day after the closing of the polls shall commence no
7 later than 8:00 p.m. and shall be conducted by a panel or
8 panels of election judges appointed in the manner provided by
9 law. The counting shall continue until all vote by mail voters'
10 ballots and special write-in vote by mail voter's blank ballots
11 required to be counted on election day have been counted.

12 (g) The procedures set forth in Articles 17 and 18 and,
13 with respect to primaries, in Section 20-4.5 of this Code shall
14 apply to all ballots counted under this Section. In addition,
15 within 2 days after a ballot subject to this Article is
16 received, but in all cases before the close of the period for
17 counting provisional ballots, the election judge or official
18 shall compare the voter's signature on the certification
19 envelope of that ballot with the signature of the voter on file
20 in the office of the election authority. If the election judge
21 or official determines that the 2 signatures match, and that
22 the voter is otherwise qualified to cast a ballot under this
23 Article, the election authority shall cast and count the ballot
24 on election day or the day the ballot is determined to be
25 valid, whichever is later, adding the results to the precinct
26 in which the voter is registered. If the election judge or

1 official determines that the signatures do not match, or that
2 the voter is not qualified to cast a ballot under this Article,
3 then without opening the certification envelope, the judge or
4 official shall mark across the face of the certification
5 envelope the word "Rejected" and shall not cast or count the
6 ballot.

7 In addition to the voter's signatures not matching, a
8 ballot subject to this Article may be rejected by the election
9 judge or official:

10 (1) if the ballot envelope is open or has been opened
11 and resealed;

12 (2) if the voter has already cast an early or grace
13 period ballot;

14 (3) if the voter voted in person on election day or the
15 voter is not a duly registered voter in the precinct; or

16 (4) on any other basis set forth in this Code.

17 If the election judge or official determines that any of
18 these reasons apply, the judge or official shall mark across
19 the face of the certification envelope the word "Rejected" and
20 shall not cast or count the ballot.

21 (g-5) If a ballot subject to this Article is rejected by
22 the election judge or official for any reason, the election
23 authority shall, within 2 days after the rejection but in all
24 cases before the close of the period for counting provisional
25 ballots, notify the voter that his or her ballot was rejected.
26 The notice shall inform the voter of the reason or reasons the

1 ballot was rejected and shall state that the voter may appear
2 before the election authority, on or before the 14th day after
3 the election, to show cause as to why the ballot should not be
4 rejected. The voter may present evidence to the election
5 authority supporting his or her contention that the ballot
6 should be counted. The election authority shall appoint a panel
7 of 3 election judges to review the contested ballot,
8 application, and certification envelope, as well as any
9 evidence submitted by the vote by mail voter. No more than 2
10 election judges on the reviewing panel shall be of the same
11 political party. The reviewing panel of election judges shall
12 make a final determination as to the validity of the contested
13 ballot. The judges' determination shall not be reviewable
14 either administratively or judicially.

15 A ballot subject to this subsection that is determined to
16 be valid shall be counted before the close of the period for
17 counting provisional ballots.

18 (g-10) All ballots determined to be valid shall be added to
19 the vote totals for the precincts for which they were cast in
20 the order in which the ballots were opened.

21 (h) Each political party, candidate, and qualified civic
22 organization shall be entitled to have present one pollwatcher
23 for each panel of election judges therein assigned.

24 (Source: P.A. 98-1171, eff. 6-1-15.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.